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June 13, 2019

RE: Child-Parent Security Act, A-1071

Dear New York Assembly Member:

We are writing on behalf of RESOLVE: The National Infertility Association, a nationwide non-profit dedicated to improving the lives of people living with the disease of infertility. We represent the 7.3 million people in the United States who are diagnosed with infertility, which includes over 440,000 New Yorkers. We have been advocating on behalf of patients suffering from infertility in New York State for 25 years.

We want to respond to the Monday, June 10 letter you received from Gloria Steinem, in opposition to the Child-Parent Security Act (A-1071).

As dedicated feminists and activists, Gloria Steinem is a personal hero of ours, and has been an inspiration for women throughout New York, America and the world for our lifetime. That is why we were heartbroken to read her letter. It is, sadly, made up of regurgitated arguments that may have had some basis decades ago, but are simply wrong in today's practice of assisted reproductive technology by qualified physicians. Her accusations fail to reflect the model protections to be codified in the Child-Parent Security Act. To paraphrase New York's late Senator Daniel Patrick Moynihan, Gloria is entitled to her own opinion, but not to her own facts. Accordingly, we want to correct the record as you consider this important measure.

In the letter, Steinem points to a 1998 New York State Task Force on Life and the Law report "unanimously recommending that public policy prohibit commercial surrogate parenting because it is harmful to the women whose bodies are used, and to the children they bear."

Unfortunately, she neglects to mention that in 2017, that very same Task Force on Life and the Law – consisting of some of New York's top physicians, ethicists and academics – issued a new report reversing that recommendation, based on current practice. Entitled *Revisiting Surrogate Parenting: Analysis and Recommendations for Public Policy on Gestational Surrogacy*, the report contends that "New Yorkers need to have the legally supported capacity to enter into compensated surrogacy arrangements in their home state with the most supportive legal protections that identify, secure, and protect the surrogate, the intended parents, and the child born through surrogacy."

In arriving at this conclusion, the Task Force recognized that today, "surrogacy" means "gestational surrogacy," where the surrogate has no genetic relationship to the embryo (this is the *only* type of surrogacy arrangement that the Child-Parent Security Act addresses). When the New York ban on surrogacy was put into place in 1992, the primary approach to

surrogacy was “traditional or genetic surrogacy,” where the surrogate was also the biological mother of the child (using her own eggs). That practice would continue to be unlawful in New York, even after passage of the proposed legislation.

Steinem hypothesizes in the letter that women who serves as surrogates are “women in economic need,” “disenfranchised women,” women with “few or no economic alternatives,” or “poor women.”

That, too, simply isn’t the case. Physician standards for performing embryo transfers to surrogates require background research, including financial independence and viability. According to the Task Force Report:

*Most surrogates today are from moderate-income families. Although the compensation associated with surrogacy is beneficial, the financial remuneration is unlikely to be an undue inducement for moderate income families because the amount provided is merely supplemental to their lives, not essential for the surrogate’s survival.*

Steinem argues that the Child-Parent Security Act is a bill with “few safeguards.”

Instead, this bill has arguably the strongest safeguards for surrogates of any proposed or enacted law in the United States. Among its protections, it establishes a “Surrogate’s Bill of Rights” that enumerates the right to make all health decisions; the right to terminate the pregnancy at the surrogate’s sole discretion; the right to independent legal counsel paid for by intended parents; the right to quality medical care and health insurance paid for by the intended parents, with care extending for a six month period after birth; and the right to counseling and life insurance defrayed by the intended parents.

Steinem argues that the bill “allows for any woman, from anywhere in the world, to be brought to New York, by anyone, in order to carry a commercialized pregnancy.”

The bill pending before the Assembly, however, requires that the person acting as surrogate, as well as at least one intended parent, be a United States citizen or permanent resident.

Steinem argues that the bill “does not warn against” health risks associated with pregnancy or egg donation.

Instead, the bill pending before the Assembly requires the New York Department of Health to promulgate regulations to ensure that potential surrogates and potential egg donors have been given fully informed consent and are fully aware of any and all medical risks.

Steinem argues that surrogacy “undermines women’s control over their bodies” and “jeopardizes women’s reproductive rights.”

We simply disagree with Steinem about this. The choice to HAVE a child must be treated with the same respect we give to women as the choice NOT to have a child. Those who seek to prevent women from making their own life-giving choices are the ones undermining women’s control over their bodies and thwarting their reproductive rights. As Cornell University Professor of Law and international human rights expert Sital Kalantry recently wrote, “when a woman chooses to support a couple or individual by serving as a gestational surrogate...I believe she must have the autonomy to do so – provided she is protected by the law to ensure that any power imbalance between her, on the one hand, and the intended parents, surrogacy agencies and doctors, on the other hand, is mitigated.”

We are confident that if Ms. Steinem spent time with women in this country who choose to serve as surrogates – the less than 5% of applicants who meet the rigorous requirements for doing so - she'd arrive at a very different conclusion. She would understand that these women do not enter into surrogacy capriciously or desperately. She would appreciate that they have been informed of, and researched, the science, and the legal guidelines. She would see that they are all mothers raising their own children and are primarily motivated by giving the gift of life to people who ache with the desire to raise children of their own.

Moreover, she would discover that surrogacy is not exploitative “body invasion,” but instead, an opportunity provided by modern medical science to create a partnership -- between the surrogate, the intended parent(s), and doctors and nurses—to bring a baby into the world. These are deep partnerships, and many surrogates, parents and children maintain close relationships over the course of their lives.

For the reasons set forth above, we respectfully request that you disregard the allegations set for in the Steinem letter and proceed with an affirmative vote for the Child Parent Security Act.

Sincerely,



Barbara Collura  
President/CEO



Risa A. Levine  
New York Resident, Member, RESOLVE Board of Directors